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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF: CONFIRMATION NO. 1447
DESHMUKH ET AL.   CASE NO.: IJ-0077 USNA
APPLICATION NO.: 10/775,570   GROUP ART UNIT: 2861
FILED: FEBRUARY 9, 2004   EXAMINER: FIDLER, S. L.
FOR: **Device for Monitoring Dispensing of Dispensable Compositions**

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Introductory Comments

The following request is submitted in view of the Final Office Action mailed on July 14, 2006. Claims 1-15 pending in this application were finally rejected. Petition to extend the time to respond by two months accompanies this response. Applicants request review of the final rejection in the above-identified application.

No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is request for the reasons stated below.

I am the attorney of record.

REMARKS

The rejection claims 1-2, 4-6 and 8-15 under 35 U.S.C. § 103(a) as being unpatentable over US publication US 2004/0085565 to Owen et al. (hereafter Owen) in view of US 5,930,553 to Hirst et al. (hereafter Hirst) and further in view of US 6,155,664 to Cook is respectfully traversed for the following reasons:

The Unlike the present invention, there is no teaching or suggestion in Owen of a client computer in communication with a host computer in Owen. Element 54 in Figure 4 in Owen is a conventional printer memory that is

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present in a conventional printer. See page 6, lines 16-19 of the response mailed by the applicants on April 27, 2006 (Hereafter Response).

The clear error is the allegation in the Office Action that a **printer in Owen is a conventional computer**. It would be obvious to one of ordinary skill in the art that a printer cannot do computations and a computer cannot print by themselves. Thus, it is clear that client computer is not the same as a printer. These two elements are patentably distinct from one another and one of ordinary skill in the art would not consider these two elements to be the same, as contended in the Office Action. From the From Fig. 1 in Owen it is readily apparent that Owen teach one or more printers or copiers 106, 112, 108B having internal printer memory 54 in communication with one or more servers or work stations via network 78 or direct connection 78. That is all. By contrast, the currently claimed client computer, as noted on page 6, lines 5-9 in the current specification, **is a computer not a printer.**

The following block diagrams further illustrate the distinction between the current device and the device in Owen:

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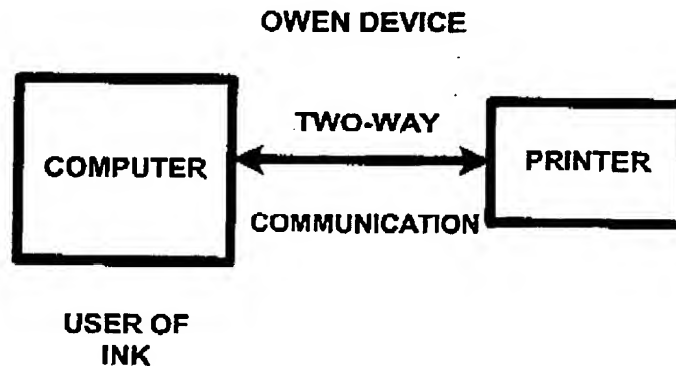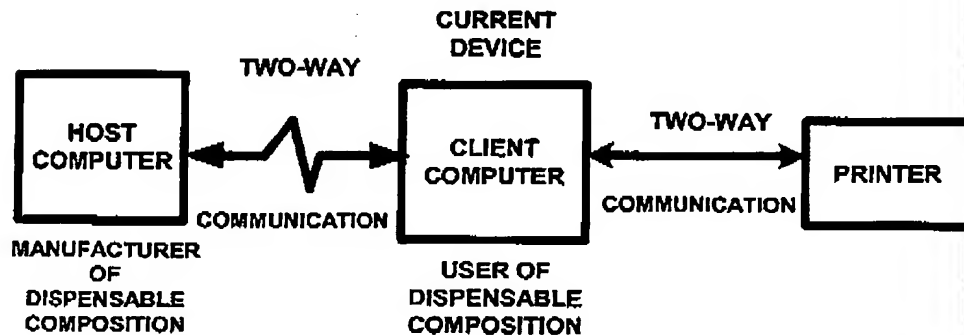
It can be readily seen that in Owen no information can be or is communicated to and from the supplier of if the dispensable composition and the user. See also page 7, lines 1-12 in Response. Thus, as claimed in the current claim 17 the device of the present invention allows the manufacturer of the dispensable composition to simultaneously monitor plurality (literally thousands) of users that are utilizing the dispensable compositions made by the manufacturer. It is not possible for the device of Owen to accomplish such process since it has NO such communication means or elements available.

Unlike the present invention, there is no teaching or suggestion in Owen of means for dispensing that are in communication **with a client computer and a host computer.** From Fig 1 and 4 of Owen one can readily note that what Owen teach is a conventional printer in communication with a computer. The internal printer logic component 62 and printer memory 54 of printing device 30B in Fig. 4 of Owen is patentably distinct from the currently claimed computer 10 having storage medium 16. One or ordinary skill in the art would not consider these two to be the same. Even Owen teach away from such an interpretation since Fig. 4 distinguishes between computer 67 from printing device 30B. Thus, it is abundantly clear that there is no teaching or suggestion in Owen of means for dispensing in communication with client and host computers.

Unlike the present invention, there is no teaching or suggestion in Owen of means for configuring computer readable program code devices to cause the means (F1) for reading, i.e., interrogators (see current claim 5), to read the current dispensable composition information and to store the current information on the **host computer,** or on the **client computer and the host computer.** It was clear error in the Final Office Action on page 3, lines 19-22 to note that Means F1 are disclosed at paragraph 39, lines 14-18 and paragraph 21, lines 1-5 of Owen, since upon review one can clearly ascertain that means 42A in step F1 (see Figure 2 and 3 in the current specification) are NOT the same as what is dislodged in Owen in the aforementioned paragraphs. Owen at paragraph 39, lines 14-18 disclose replacement component availability module 266 algorithm (see also Figure 5 of Owen) in a print driver 69. By contrast the means F1 cause interrogator 42A to read the

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current dispensable composition information from RFID tag 28A attached to reservoirs 26A (see Figure 2 and page 6, lines 20-26, page 8, lines 9 Figure 3 step element 50 in the current specification).

The Final Office Action clearly erred in asserting that the current step F2 is disclosed at paragraph 21, lines 1-5 in Owen. Since there are no communications between the manufacturer of the dispensable composition and the user, there is no teaching or suggestions in Owen of current step F2. Same comments are also applicable regarding current step F4 in the Final Office Action at page 4, lines 3-6.

Owen utilize RFID tag to get manufacturer supplied information through memory tag 36 on cartridge 32A and then stores that information in either printer memory 62 or computer memory 74. Once the information is uploaded it calculates backwards to arrive at the end of life status 51 as the ink is used up during the use. See Figures 3 and 4 and paragraph 28 in Owen. There is no teaching or suggestion of writing updated information of the dispensable composition information to the RFID tag 28A on reservoir 32A through reader 42A, as the dispensable composition gets consumed during use. There is no teaching or suggestion in Owen of means for configuring (F5) computer readable program code devices to cause the means for writing to write the updated dispensable composition information to the identification tags and to store the updated information on the **host computer**, or on the **client computer and the host computer**. Thus, it is submitted that there was clear error at page 4, lines 7-9 of the Final Office Action.

Unlike the present invention, there is no teaching or suggestion in Owen of means for configuring computer readable program code devices to cause the means for dispensing (F2) to terminate dispensing the dispensable compositions if the current information does not match with a stored dispensable composition information of the dispensable compositions stored on the host computer, or on the client computer and the host computer. Thus, it is not seen why one of ordinary skill in the art would pick and choose from Owen to arrive at the presently claimed invention absent any suggestion.

Unlike the present invention, there is no teaching or suggestion in Owen of means (F3) for configuring computer readable program code devices to cause the means for dispensing to dispense the dispensable compositions

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